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**NOV 29 2005**

Atty Docket No. 016325-013900US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner Not yet assigned

Group Art Unit 1645

**OFFICIAL COMMUNICATION  
FOR THE PERSONAL ATTENTION OF  
EXAMINER Not yet assigned**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

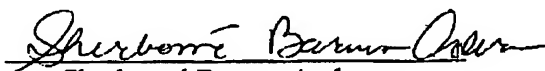
I hereby certify that the following documents in re Application of Bernard Allen, Francine Gregoire, Brian Lavan and Shonna Moodie, Application No. 10/516,635, filed November 30, 2004 for METHODS OF DIAGNOSING & TREATING DIABETES AND INSULIN RESISTANCE are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

Power of Attorney by Assignee and Statement Under 3.73(b).

Number of pages being transmitted, including this page: 5

Dated: November 29, 2005

  
Sherbonné Barnes-Anderson  
Prosecution Paralegal Supervisor

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
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TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300  
0376

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PTO/SB/80 (04-05)

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

**20350**

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

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Firm or

Individual Name

Address

City

State

Zip

Country

Telephone

Email

Assignee Name and Address:

Metaolex, Inc.  
3876 Bay Center Place  
Hayward, CA 94545

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Paul J. L.</i>	Date	14 Nov 05
Name	Paul Quintan	Telephone	(510) 293-8123
Title	General Counsel		

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PTO/SB/96 (09-04)

Attorney Docket No. 016325-013900US

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Bernard Allen, Francine Gregoire, Brian Lavan and Shonna MoodieApplication No./Patent No.: 10/516,635 Filed/Issue Date: November 30, 2004Entitled: METHODS OF DIAGNOSING & TREATING DIABETES AND INSULIN RESISTANCEMetabolex, Inc., a California corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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3. From: \_\_\_\_\_ To: \_\_\_\_\_

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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

Matthew E. Hinsch

Printed or Typed Name

Attorney for Assignee

Title

November 29, 2005  
Date

415.576.0200

Telephone Number

Attorney Docket No.: 016325-013900US

## ASSIGNMENT OF PROVISIONAL PATENT APPLICATION

JOINT

WHEREAS, Bernard Allan of 940 Guerrero Street, San Francisco, CA 94110; Francine Gregoire of 1044 Carol Lane, Lafayette, CA 94549; Brian Lavan of 2020 Lawton Street, San Francisco, CA 94122; and Shonna A. Moodie of 2091 Golden Gate, San Francisco, CA 94115, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified provisional patent application:

Title of Invention: METHODS OF DIAGNOSING & TREATING DIABETES  
AND INSULIN RESISTANCE

Filing Date: November 30, 2004

Application No.: 10/516,635; and

WHEREAS, METABOLEX, INC., a corporation of the state of California, located at 3876 Bay Center Place, Hayward, CA 94545, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on any patent application claiming priority from the same;

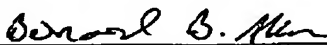
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

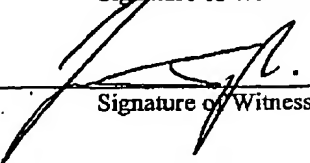
Dated: 11/4/05

  
BERNARD ALLAN

Dated: 11-4-05

  
Signature of Witness

Dated: 11-04-05

  
Signature of Witness

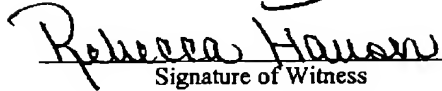
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Assignment  
Attorney Docket No.: 016325-013900US  
Page 2


Dated: 3/29/05

  
FRANCINE GREGOIRE

Dated: 3/29/05

  
Signature of Witness

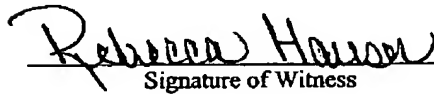
Dated: 3/29/05

  
Signature of Witness

Dated: 3/28/05

  
BRIAN LAVAN

Dated: 3/28/05

  
Signature of Witness

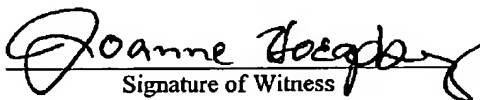
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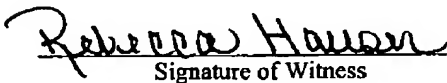
Dated: 3/28/05

  
SHONNA MOODIE

Dated: 3-28-05

  
Signature of Witness

Dated: 3-28-05

  
Signature of Witness

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